

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JAMES R. ADAMS,

Plaintiff,

v.

**JO ANNE BARNHART
COMMISSIONER OF
SOCIAL SECURITY,**

Defendants.

No. 05-CV-0817-DRH

MEMORANDUM AND ORDER

HERNDON, District Judge:

On November 14, 2005, James Adams filed suit against the Commissioner of Social Security, for judicial review of an administrative agency's decision (Doc. 1). Specifically, pursuant to **42 U.S.C. § 405(g)**, Adams seeks judicial review of the Commissioner's decision to deny him disability insurance benefits and supplemental social security benefits. Now before the Court is Adams' motion to proceed *in forma pauperis* (Doc. 2). Because the Court finds that Adams is indigent, the Court grants the motion.

By granting a motion for pauper status, a court authorizes a lawsuit to proceed without prepayment of fees. For many years, federal district courts granted such motions if the movant was indigent and the complaint was neither frivolous nor malicious. **28 U.S.C. § 1915**. The Prison Litigation Reform Act ("PLRA"), significantly changed the district court's responsibilities in reviewing *pro se* complaints and *in forma pauperis* motions. The Seventh Circuit has clarified that the PLRA "changed § 1915 not only for

cases brought by prisoners, but in some respect for all indigent litigants.” ***Hutchinson v. Spink*, 126 F.3d 895, 899 (7th Cir. 1997)**. Under the PLRA, the Court must screen any indigent’s complaint (those filed by prisoners and non-prisoners alike) and dismiss the complaint if (a) the allegation of poverty is untrue, (b) the action is frivolous or malicious, (c) the action fails to state a claim upon which can be granted, or (d) the action seeks monetary relief against a defendant who is immune from such relief. **28 U.S.C. § 1915(e)(2)**.

Adams’ motion survives **§ 1915(e)(2)** review. Adams furnished an affidavit documenting his poverty. The action appears to be neither frivolous nor malicious. At this point, the Court cannot conclude that the complaint fails to state a claim or that the named defendant is immune from suit.

Accordingly, the Court **GRANTS** Adams’ application to proceed *in forma pauperis* (Doc. 2). If a summons is to be issued, Adams’ attorney will prepare the summons and the USM-285 forms for Defendant, the United States Attorney and the Attorney General and forward these documents to the Clerk of the Court for issuance. Once a summons, if any, is issued, the Court **DIRECTS** the United States Marshal to obtain service on same. Costs of service shall be borne by the United States of America.

IT IS SO ORDERED.

Signed this 22nd day of November, 2005.

/s/ David RHerndon
United States District Judge